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NOTICE OF ALLOWANCE AND FEE(S) DUE

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7590

04/07/2009

THE FIRM OF HUESCHEN AND SAGE SEVENTH FLOOR, KALAMAZOO BUILDING 107 WEST MICHIGAN AVENUE KALAMAZOO, MI 49007

EXAMINER					
JAGOE, DONNA A					
ART UNIT PAPER NUMBER					
1614					

DATE MAILED: 04/07/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,787	05/04/2005	Yannis Tsouderos	SERVIER 455 PCT	4570

TITLE OF INVENTION: USE OF THE DISTRONTIUM SALT OF 2-[N,N-DI(CARBOXYMETHYL)AMINO]-3-CYANO-4-CARBOXYMETHYL-THIOPHENE-5-CARBOXYLIC ACID FOR THE PRODUCTION OF MEDICAMENTS FOR THE TREATMENT OF GASTRO-DUODENAL PAIN

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/07/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or <u>Fax</u> (571)-273-2885

INSTRUCTIONS; This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where ap in m

appropriate. All further indicated unless correct maintenance fee notifica	correspondence includir ed below or directed oth	ng the Patent, advance on nerwise in Block 1, by (a	rders and notification of n a) specifying a new corres	naintenance fees w pondence address;	ill be and/or	mailed to the current (b) indicating a sepa	correspoi trate "FEI	idence address as E ADDRESS" for
CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)			Feet	c) Transmittal Thi	s certif	can only be used for icate cannot be used for such as an assignme ling or transmission.	or any oth	ner accompanying
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SEVENTH FLC 107 WEST MIC	F HUESCHEN AN OOR, KALAMAZO CHIGAN AVENUE		I her State addr trans	eby certify that the	is Fee(s	s) Transmittal is being ficient postage for firs ISSUE FEE address 1) 273-2885, on the d	g deposite	d with the United ail in an envelope r being facsimile ted below.
KALAMAZOO	, MI 49007							(Depositor's name)
								(Signature)
								(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR		ATTO:	RNEY DOCKET NO.	CONFI	RMATION NO.
10/533,787	05/04/2005	•	Yannis Tsouderos		SE	RVIER 455 PCT		4570
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APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE	E FEE	TOTAL FEE(S) DUE	:	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0		\$1810	•	07/07/2009
EXAM	IINER	ART UNIT	CLASS-SUBCLASS					
JAGOE, I	DONNA A	1614	514-448000					
 Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. 			or agents OR, alternative (2) the name of a single registered attorney or a 2 registered patent attorned in the control of the	me of a single firm (having as a member a attorney or agent) and the names of up to ed patent attorneys or agents. If no name is				
PLEASE NOTE: Un recordation as set fort (A) NAME OF ASSI	less an assignee is ident th in 37 CFR 3.11. Comp GNEE	ified below, no assignee pletion of this form is NO	THE PATENT (print or type data will appear on the part a substitute for filing an ans (B) RESIDENCE: (CITY	ntent. If an assignoussignment. and STATE OR C	OUNT	RY)		
Please check the appropr	riate assignee category or	categories (will not be pr	rinted on the patent):	Individual L Co	rporati	on or other private gro	oup entity	Government
4a. The following fee(s) are submitted: ☐ Issue Fee ☐ Publication Fee (No small entity discount permitted) ☐ Advance Order - # of Copies			4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above) ☐ A check is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form).					
5. Change in Entity Sta	itus (from status indicate as SMALL ENTITY statu	· ·	b. Applicant is no long	er claiming SMAI	L ENT	FITY status. See 37 Cl	FR 1.27(g	(2).
NOTE: The Issue Fee an	nd Publication Fee (if req		d from anyone other than th					
Authorized Signature				Date				
This collection of informan application. Confiden	nation is required by 37 C tiality is governed by 35	CFR 1.311. The information U.S.C. 122 and 37 CFR	on is required to obtain or r 1.14. This collection is est	etain a benefit by tl	ne nubl	ic which is to file (and	l by the H	ISPTO to process)
submitting the completed this form and/or suggests Box 1450, Alexandria, V Alexandria, Virginia 223	/irginia 22313-1450. DC	USPTO. Time will vary rden, should be sent to th NOT SEND FEES OR	1.14. This collection is est depending upon the indiving Chief Information Office COMPLETED FORMS TO	idual case. Any co r, U.S. Patent and ') THIS ADDRESS	mment Traden . SENI	s on the amount of tin nark Office, U.S. Dep O TO: Commissioner	me you re artment of for Patent	quire to complete f Commerce, P.O. s, P.O. Box 1450,

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

OMB 0651-0033

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THE FIRM OF HUESCHEN AND SAGE			JAGOE, DONNA A			
	R, KALAMAZOO BU	ILDING	ART UNIT	PAPER NUMBER		
107 WEST MICHIGAN AVENUE KALAMAZOO, MI 49007			1614 DATE MAILED: 04/07/200	9		

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 555 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 555 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)
	10/533,787	TSOUDEROS, YANNIS
Notice of Allowability	Examiner	Art Unit
	Donna Jagoe	1614
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.31:	ears on the cover sheet (OR REMAINS) CLOSEI) or other appropriate com RIGHTS. This application 3 and MPEP 1308.	with the correspondence address) in this application. If not included munication will be mailed in due course. THIS
1. This communication is responsive to <u>response dated Aug</u>	<u>ust 11, 2008</u> .	
2. 🔀 The allowed claim(s) is/are <u>4-6</u> .		
3. Acknowledgment is made of a claim for foreign priority u a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN	e been received. e been received in Applica cuments have been recei of this communication to	ition No ved in this national stage application from the
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. A SUBSTITUTE OATH OR DECLARATION must be subminformal patent application (PTO-152) which give	nitted. Note the attached E	
5. CORRECTED DRAWINGS (as "replacement sheets") mu	st be submitted	
(a) ☐ including changes required by the Notice of Draftsper		iew (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date	-	,
(b) ☐ including changes required by the attached Examiner Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR ²		
each sheet. Replacement sheet(s) should be labeled as such in	the header according to 37	CFR 1.121(d).
 DEPOSIT OF and/or INFORMATION about the depo- attached Examiner's comment regarding REQUIREMENT 		
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ☐ Interview Paper N 7. ☑ Examine	Informal Patent Application Summary (PTO-413), o./Mail Date r's Amendment/Comment r's Statement of Reasons for Allowance
/D. J./	/Ardin Mars	chel/
Examiner, Art Unit 1614	Supervisory I	Patent Examiner, Art Unit 1614

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michele Cudahy on March 23, 2009.

The application has been amended as follows:

Claim 4, line 2 of the claim, after the word "administration" add the words --- to the patient ----.

Claim 4, lines 2-3 of the claim, after the "administration" delete the words "of an amount of".

Claim 4, line 4 of the claim, after the words "hydrates thereof" add the words ---- in an amount ----.

Claim 4, line 5 of the claim, after the word "alleviation" add the word --- and ---.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna Jagoe whose telephone number is (571) 272-0576. The examiner can normally be reached on Monday through Friday from 8:00 A.M. - 4:30 P.M..

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Art Unit: 1614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Donna Jagoe /D. J./ Examiner Art Unit 1614

March 23, 2009

/Ardin Marschel/ Supervisory Patent Examiner, Art Unit 1614